

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, FEBRUARY 24, 19 76

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers

Tuesday evening February 24 A.D., 19 76, in Regular

Session. President James S. Stier in the chair, and

Charles W. Westerman Clerk, at the desk, present the following

members \_\_\_\_\_ viz:

Burns ✓, Hinga ✓, Hunter ✓

Moses ✓, Nuckols ✓, Donald Schmidt ✓

Vivian Schmidt ✓, Stier ✓, Talarico ✓

Absent \_\_\_\_\_

Councilmen \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_,

The invocation was given by Reverend Vernon Denney, Assistant

Crescent Avenue United Methodist Church

Received report from the City Controller for the month of \_\_\_\_\_,

19 \_\_\_\_\_. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular \_\_\_\_\_, 19 \_\_\_\_\_,  
special \_\_\_\_\_, 19 76, February 10

Session having been delivered to the Council, were, on motion, approved and published.



FORT WAYNE, INDIANA 46802

office of the mayor

February 11, 1976

To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, February 11, 1976, I have approved the following ordinances passed by the Common Council at its regular meeting on February 10, 1976.

(Bill No. A-76-01-36)  
APPROPRIATION ORDINANCE NO. A-04-76

AN ORDINANCE amending the 1976 Budget of the City of Fort Wayne, Indiana

(Bill No. S-76-01-38)  
SPECIAL ORDINANCE NO. S-42-76

AN ORDINANCE approving a Blanket Purchase Order for purchase of spark plugs for Civil City Departments for the 1976

(Bill No. S-76-01-39)  
SPECIAL ORDINANCE NO. S-43-76

AN ORDINANCE approving Blanket Purchase Orders for purchase of tires for Civil City and City Utilities for the year 1976

(Bill No. S-76-01-48)  
SPECIAL ORDINANCE NO. S-44-76

AN ORDINANCE approving a certain bid document for the purchase of police vehicles

(Bill No. R-76-02-04)  
RESOLUTION NO. R-05-76

A RESOLUTION authorizing payment for outside contractors for Emergency Snow Removal

MADE A MATTER OF RECORD  
DATE 2-11-76 CHARLES W. WESTERMAN, CITY CLERK



(Bill No. R-76-02-15)  
RESOLUTION NO. R-06-76

A RESOLUTION approving the Budget of Fort Wayne and Allen County Convention and Tourism Authority for 12-Month Period Beginning 1-1-76 and Ending 12-31-76

(Bill No. Z-75-12-11)  
ZONING MAP ORDINANCE NO. Z-02-76

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. D-14

(Bill No. R-76-02-07)  
RESOLUTION NO. R-07-76

A RESOLUTION of the Council of The City of Fort Wayne, Indiana, Extending An Invitation to Takaoka City, Japan, To Become A Sister-City and Inviting The People of Takaoka City, Japan, To Participate in Said Program

(Bill No. S-76-01-19)  
SPECIAL ORDINANCE NO. S-45-76

AN ORDINANCE approving a certain bid document for the demolition of Jefferson Recreation Center Building

(Bill No. S-76-01-40)  
SPECIAL ORDINANCE NO. S-46-76

AN ORDINANCE approving Change Order 1-M in connection with Senior Citizens Center

(Bill No. S-76-01-41)  
SPECIAL ORDINANCE NO. S-47-76

AN ORDINANCE approving a contract with BROOKS CONSTRUCTION COMPANY, INC., for improvement Resolution No. 5714-1975

(Bill No. S-76-01-42)  
SPECIAL ORDINANCE NO. S-48-76

AN ORDINANCE approving Change Orders 2-GC, 3-GC and 4-GC in connection with the Senior Citizens Center

(Bill No. S-76-01-44)  
SPECIAL ORDINANCE NO. S-49-76

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for emergency repairs at Anthony and Berry Streets Intersection

(Bill No. S-76-01-45)  
SPECIAL ORDINANCE NO. S-50-76

AN ORDINANCE approving a contract with GENERAL ELECTRIC SUPPLY CO. for materials for Street Lighting Department

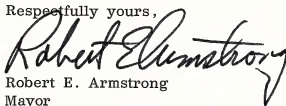
(Bill No. S-76-01-46)  
SPECIAL ORDINANCE NO. R-51-76

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for emergency repairs to storm sewer on The Landing (Columbia Street)

(Bill No. S-76-01-47)  
SPECIAL ORDINANCE NO. S-52-76

AN ORDINANCE approving a contract with CLOW CORPORATION for supplies for Water Maintenance and Service Department

Respectfully yours,

A handwritten signature in black ink, reading "Robert E. Armstrong". The signature is written in a cursive, flowing style. The first name "Robert" is written in a larger, more prominent script, and "E. Armstrong" follows in a similar but slightly smaller script. The signature is positioned to the right of the typed name "Robert E. Armstrong".

Robert E. Armstrong  
Mayor



City of Fort Wayne  
OFFICE OF THE CITY CLERK  
ROOM 120, CITY-COUNTY BUILDING  
ONE EAST MAIN ST., FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN, CLERK  
TELEPHONE 219-423-7183

February 19, 1976

Mr. James S. Stier  
3404 Congress  
Fort Wayne, IN 46806

Dear Mr. Stier:

Enclosed please find the Veto Message regarding Resolution No. R-08-76, "A Resolution authorizing the Common Council of the City of Fort Wayne, Indiana to take necessary steps to intervene in a lawsuit." This message was received by Charles W. Westerman, City Clerk, on the 18th day of February, 1976, at 9:10 A.M.

It is my duty as clerk to inform you that the above mentioned bill will be reintroduced at our next Council Session - February 24, 1976, and placed in the Committee of Whole, chaired by Samuel J. Talarico, Vice-President of Common Council. Bill No. R-08-76 at that time will either be defeated or passed to override the veto of Mayor Robert E. Armstrong, dated February 18, 1976. Passage of this bill will require a two-thirds majority vote of the duly elected Common Council of the City of Fort Wayne.

Respectfully yours,

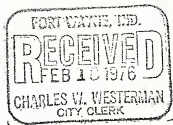
Charles W. Westerman  
City Clerk

CWW/ne

MADE A MATTER OF RECORD  
DATE 2/23/76 CHARLES W. WESTERMAN, CITY CLERK



FORT WAYNE, INDIANA 46802  
office of the mayor



VE TO MESSAGE

I, Robert E. Armstrong, Mayor of the City of Fort Wayne, hereby veto Resolution R-08-76 for the following reasons:

A law suit against the City has already been filed by a number of firefighters allegedly aggrieved by this Administration's adherence to state law giving the Mayor and his Board of Safety absolute and complete control over operation of the Fire Department. This Resolution, which seeks to have the City Council become a party to that law suit, is an obvious and blatant attempt to have the City pay the costs of the action against itself.

The pending action was brought by several individual firefighters, and the attendant costs should be borne by them and them alone. It is unfair to expect the taxpayers of Fort Wayne to bear the costs of a law suit filed by individuals.

The issue will be resolved without the intervention of City Council as a plaintiff and, if the members of the City Council are truly concerned about the firefighters named as plaintiffs in the aforementioned action, they will join the suit as individuals and pay their share of the costs themselves.

I maintain that it establishes unacceptable precedent to permit two branches of the same government to commence legal action against each other, particularly in view of the fact that the costs of such action are, of necessity, paid by the taxpayers.

This Administration would be totally remiss in its duty to the taxpayers if we relinquished our obligation to administer the Fire Department; but, more especially, if we allowed the taxpayers to pay the private legal expenses of individuals with public funds such action would be a misappropriation of public funds.

Signed this 18th day of February, 1976

  
Robert E. Armstrong  
Mayor

REA:ip

MADE A MATTER OF RECORD  
DATE 2/23/76 CHARLES W. WESTERMAN, CITY CLERK





## THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING  
division of long range planning and zoning

February 10, 1976

### COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City  
of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-75-12-42

Respectfully submitted

CITY PLAN COMMISSION

Certified and signed this  
10th day of February, 1976.

Joseph N. Adair  
Secretary

MADE A MATTER OF RECORD  
DATE 2-24-76 CHARLES W. WESTERMAN, CITY CLERK

AN EQUAL OPPORTUNITY EMPLOYER





## THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING  
division of long range planning and zoning

February 10, 1976

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment.

1. Bill No. Z-75-12-42

This ordinance was requested to be WITHDRAWN by written request of the attorney representing the petitioner, as attached to the ordinance. The legal description on this petition was in error.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING  
Division of Long Range Planning  
and Zoning

*Gary F. Baeten (pr)*  
Gary F. Baeten  
Land Use Administrator

GFB:pr  
ATT.

CC: Mayor Armstrong





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 23, 1975, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-75-12-42: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission scheduled a public hearing on such proposed ordinance for February 9, 1976; and,

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission by the attorney representing the petitioner;

WHEREAS, the attorney representing the petitioner, requested this WITHDRAWAL, due to an error in the legal description of the proposed property to be rezoned.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be WITHDRAWN in accordance with the written request of the attorney representing the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

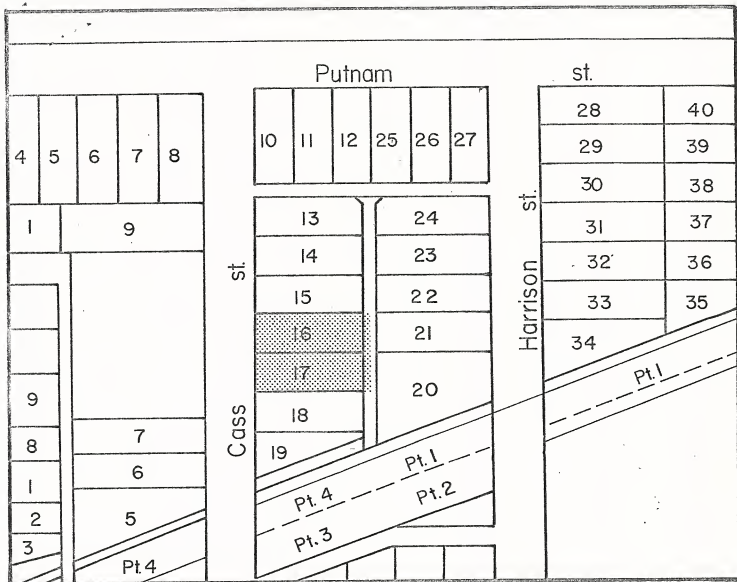
This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 9, 1976.

Certified and signed this  
10th day of February, 1976.

*Joseph N. Adair*

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Joseph N. Adair  
Secretary



 To be changed from R-2 to B-1-B

11-26-75

A-5

L.S. Bill No. Z-75-12-42



February 11, 1976

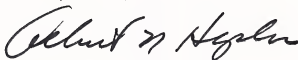
President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety  
Regulatory Resolution Numbers: 13/76/D. - 14/76/E - 15/76/E

For the purpose of enforcement, please make this communication and the  
attached Regulatory Resolutions a matter of record and incorporate them  
into the minutes of the next Common Council Meeting.

Respectfully submitted,



Director of Public Safety

MADE A MATTER OF RECORD  
DATE 2-23-76 CHARLES W. WESTERMAN, CITY CLERK

February 11, 1976

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety  
Regulatory Resolution Numbers: 14/76/E.

For the purpose of enforcement, please make this communication and the  
attached Regulatory Resolutions a matter of record and incorporate them  
into the minutes of the next Common Council Meeting.

Respectfully submitted,



Robert W. Hylton  
Director of Public Safety

February 11, 1976

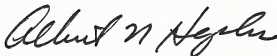
President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety  
Regulatory Resolution Numbers: 15/76/E.

For the purpose of enforcement, please make this communication and the  
attached Regulatory Resolutions a matter of record and incorporate them  
into the minutes of the next Common Council Meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Albert W. Hegler". The signature is fluid and cursive, with the first name "Albert" being the most prominent.

Director of Public Safety

REGULATORY RESOLUTION NO. 13/76 /D

(Adopted February 11 \_\_\_\_\_, 19 76 )

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961. authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section \_\_\_\_\_ of said chapter as so amended delegates to this Board authority to NO PARKING  
PASSENGER LOADING ZONE 6:00 AM to 6:00 PM WEEK DAYS ONLY

\_\_\_\_\_; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 10 \_\_\_\_\_, 19 76, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section \_\_\_\_\_ of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective February 11 \_\_\_\_\_, 19 76, and when signs are erected pursuant hereto giving notice thereof, that **THE FOLLOWING BE ESTABLISHED:**

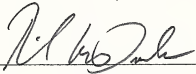
NO PARKING PASSENGER LOADING ZONE 6:00AM to 6:00PM WEEK DAYS ONLY (DELEGATED)

Dalman Ave. -- north side -- from 15 ft. east of the east property line of Barr St. to 80 ft. east thereof.

RETURN CERTIFICATE

(Regulatory Resolution No. 13/76/D)

I hereby certify that I did this 11 day of February, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 13/76/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted FEB 14, 1961.

  
\_\_\_\_\_

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 14/76 /E

(Adopted February 11 , 19 76)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated February 10 , 1976, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective February 11 76,

19 76, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Dinnen Ave. -- stop -- for Thompson Ave.



RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 14/76/E)

I hereby certify that I did this 11 day of February, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 14/76/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.

  
\_\_\_\_\_

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 15/76/E

(Adopted February 11 , 1976)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING

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\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated February 10 , 1976, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective February 11 76,

19 \_\_, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (TEMPORARY) (EMERGENCY)

Elizabeth St. -- south side -- from 215 ft. east of Barr St. to  
250 ft. east thereof.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 15/76/E)

I hereby certify that I did this 11 day of February, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 15/76/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.

  
\_\_\_\_\_

EXECUTIVE SECRETARY

February 17, 1976

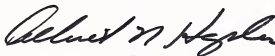
President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety  
Regulatory Resolution Numbers: 16/76/E.

For the purpose of enforcement, please make this communication and the  
attached Regulatory Resolutions a matter of record and incorporate them  
into the minutes of the next Common Council Meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Albert W. Hyman". The signature is fluid and cursive, with the first name "Albert" being more prominent.

Director of Public Safety

REGULATORY RESOLUTION NO. 16/76/E

(Adopted February 17, 1976)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to ONE WAY STREET / RENEW & EXTEND REGULATORY  
RESOLUTION 57/75/E.

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated February 12, 1976, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective February 17 76,

19 \_\_, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

ONE WAY STREET


Thieme Dr. -- northbound -- from Washington Blvd. to Main St.

Guthrie St. -- eastbound -- from Thompson Ave. to Michigan Ave.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 16/76/E)

I hereby certify that I did this 17 day of February, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 16/76/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.



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EXECUTIVE SECRETARY

February 18, 1976

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety  
Regulatory Resolution Numbers: 17/76/D

For the purpose of enforcement, please make this communication and the  
attached Regulatory Resolutions a matter of record and incorporate them  
into the minutes of the next Common Council Meeting.

Respectfully submitted,



Director of Public Safety

REGULATORY RESOLUTION NO. 17/76D

(Adopted February 18, 19 76)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 131 of said chapter as so amended delegates to this Board authority to NO PARKING

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 18, 1976, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 131 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby ordered, effective February 18, 19 76, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING 8:00-9:00 AM and 3:00-4:00 PM WEEK DAYS ONLY (DELEGATED)

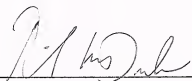
Hale Ave. -- south side -- from 100 ft. west of Reidmiller Ave. to the St. Marys River.



RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 17/76/D)

I hereby certify that I did this 18 day of February, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 17/76/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted Feb. 14, 1961.

  
\_\_\_\_\_

EXECUTIVE SECRETARY

WILLIS, HOBBS, CONNOR & BROWN

MAX E. HOBBS  
TIMOTHY J. CONNOR  
DEAN A. BROWN

ATTORNEYS AT LAW  
10TH FLOOR LINCOLN BANK TOWER  
FORT WAYNE, INDIANA 46802  
AREA CODE (219) 742-6486

HERBERT WILLIS  
1904-1974

February 11, 1976

Honorable Robert Armstrong  
Mayor, City of Fort Wayne  
9th Floor, City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

The Common Council of the City of Fort Wayne  
c/o Charles Westerman, City Clerk  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

William N. Salin, City Attorney  
2120 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802

Larry J. Burke, Associate City Attorney  
2120 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802

Richard I. Snouffer, Attorney at Law  
2000 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802

Dear Sirs:

It has been brought to my attention as attorney for the Fraternal Order of Police, Indiana Wayne Lodge No. 14, Inc. and the individual police officers who are parties plaintiff in Cause No. CC-75-1248, in the Allen Circuit Court, that there are certain meetings which have been set between the PBA representatives and the City of Fort Wayne. These accounts have generally come through newspaper reports of certain press conferences held by the attorneys for the PBA.

The order entered by the Allen Circuit Court declares that the City of Fort Wayne has no legal authority to give bargaining rights to either the Patrolman's Benevolent Association or the Fraternal Order of Police. The Court further found that the City and the Common Council have no authority to enter into a labor relations contract with any of the parties and that any such agreements would be ultra vires and of no force and effect. The Court further enjoined the City and the PBA from impli-

Honorable Robert Armstrong  
The Common Council of the City of Fort Wayne  
William N. Salin, City Attorney  
Larry J. Burke, Associate City Attorney  
Richard I. Snouffer, Attorney at Law  
Page 2  
February 11, 1976

menting any agreement entered into. You are hereby advised that any meetings or negotiations for the purpose of working out an agreement or resolving disputes between the City and the PBA will be considered by my clients to be a direct contempt of court. The plaintiffs in the above cited cause of action fully intend to file an information for contempt should such negotiations be held.

It has been the desire of the Fraternal Order of Police and its members to conform to the general pattern of American labor law which has been established by legislation and through the courts. That general pattern has been, of course, the right of self-determination of the working man. The right to select his collective bargaining representative. It has, of course, been our contention from the start, that the members of the Fort Wayne Police Department have been deprived of that right. Obviously, the Court agrees. The Fraternal Order of Police and its members have made it clear that they would be willing to abide by a properly conducted election to be held for the purpose of determining the extent of the bargaining unit and the organization which is to represent that bargaining unit. All of the strife, the discontent, the personal animosities and the problems in the day-to-day operation of the Police Department would be ended if the City and the PBA would be willing to observe the democratic processes which are so much a part of the American labor scene today.

The Fraternal Order of Police makes the following proposal to the City and the PBA:

1. The parties, that is the City, the Common Council, the PBA, and the FOP, by agreement, and with the consent of the Court, would hold two elections. These elections would be supervised by an organization mutually agreeable to the parties. Such organizations might be the American Arbitration Association, the Federal Mediation and Conciliation Service, or representatives of the Indiana Department of Labor.

2. The first election would be held for the purpose of determining the bargaining units. All policemen employed by the City of Fort Wayne Police Department would be eligible to vote. That vote would determine by ballot whether all policemen would be represented by one organization or whether or not patrolmen and members of officer rank should be represented by different organizations.

3. A second election would be held thirty to sixty days after the first election. The thirty to sixty days would be allowed for campaigning

Honorable Robert Armstrong  
The Common Council of the City of Fort Wayne  
William N. Salin, City Attorney  
Larry J. Burke, Associate City Attorney  
Richard I. Snouffer, Attorney at Law  
Page 3  
February 11, 1976

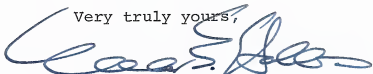
by the organizations desiring to represent the bargaining units. If the first election resulted in a vote directing that there be two bargaining units, then the officers who are members of those bargaining units would be eligible to vote in the second election. Any organization evidencing a 30 percent showing of interest by members of the bargaining unit would be placed on the ballot. This conforms to practice of the National Labor Relations Board. Also, a line would be on the ballot for those who desire no organization to represent them. That is, a vote for no union.

4. The winner of the election would then be the bargaining representative for the respective bargaining units. Such a procedure would be in conformance with the provisions of Weest v. Board Of School Commissioners of the City of Indianapolis (1974) 320 N.E. 2d 748.

5. As a part of the agreed settlement of this matter, all actions in Court would be dismissed and mutual releases would be executed by all parties.

Fraternal Order of Police, Indiana Wayne Lodge 14, Inc., and its attorneys, stand ready to consult with you at any time on this matter. It is obvious that it is the desire of the FOP to resolve this entire dispute in a manner which will end the discord which is disturbing the City, its residents, and its Police Department.

Very truly yours,



Max E. Hobbs  
Attorney for Indiana Wayne Lodge 14,  
Fraternal Order of Police

MEH/jw

MADE A MATTER OF RECORD  
DATE 2/23/76 CHARLES W. WESTERMAN, CITY CLERK


REPORT OF THE MAYOR, FIRE CHIEF AND  
CITY CLERK ON THE ELECTION OF TRUSTEE  
FOR THE FT. WAYNE FIREMEN'S PENSION FUND

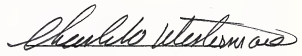
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To The Honorable Common Council:

The undersigned met and canvassed the ballots of an election held on the 9th day of February, 1976, by members of the Fort Wayne Fire Department for the election of one (1) Trustee for the Firemen's Pension Fund to serve for a period of four (4) years.

Cecil Blain received 117 votes, the highest number of votes, from a total of 264 votes cast for the six (6) candidates for office.

  
Mayor

  
City Clerk

  
Fire Chief

MADE A MATTER OF RECORD  
DATE 2-15-76 CHARLES W. WESTERMAN, CITY CLERK

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 24th day of February, 19 76; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 25th day of February, 19 76.

  
Charles W. Westerman  
City Clerk

SEAL